



GENERAL ASSEMBLY

COMMONWEALTH OF KENTUCKY

2011 REGULAR SESSION

SENATE BILL NO. 139

THURSDAY, FEBRUARY 17, 2011

The following bill was reported to the House from the Senate and ordered to be printed.

RECEIVED AND FILED
DATE March 16, 2011
5:00 p.m.

ELAINE N. WALKER
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY P. Kussolving

1 AN ACT relating to liens.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔Section 1. KRS 376.100 is amended to read as follows:

4 The owner or claimant of property against which a lien has been asserted, or any
 5 contractor or other person contracting with the owner or claimant of such property for
 6 the furnishing of any improvements or services for which a lien is created by this chapter
 7 or any subcontractor or other person in privity with the contractor, may, at any time
 8 before a judgment is rendered enforcing the lien, execute before the county clerk in which
 9 the lien was filed a bond for double the amount of the lien claimed with good sureties to
 10 be approved by the clerk, conditioned upon the obligors satisfying any judgment that may
 11 be rendered in favor of the person asserting the lien. The bond shall be preserved by the
 12 clerk, and upon its execution the lien upon the property shall be discharged. The person
 13 asserting the lien may make the obligors in the bond parties to any action to enforce his
 14 claim, and any judgment recovered may be against all or any of the obligors on the bond.

15 ➔Section 2. KRS 376.212 is amended to read as follows:

16 (1) Any contractor or other person contracting with the public authority for the
 17 furnishing of any improvements or services for which a lien is created by KRS
 18 376.210 or any person in privity with the contractor or other person may, at any
 19 time before a judgment is rendered enforcing the lien, execute before the county
 20 clerk in the county in which the lien was filed a bond for double the amount of the
 21 lien claimed.

22 (2) The bond executed under subsection (1) of this section shall be subject to the
 23 following conditions:

24 (a) The bond shall be approved by the clerk only if the bond is secured by:

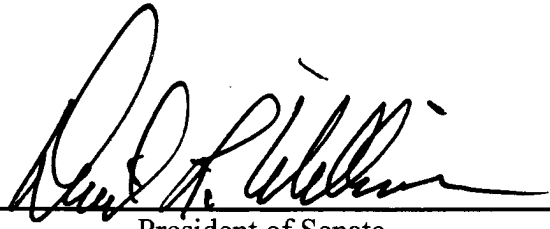
- 25 1. Cash;
- 26 2. A letter of credit from a bank; or
- 27 3. Surety insurance as defined by KRS 304.5-060 that is issued by a

1 licensed insurer; and

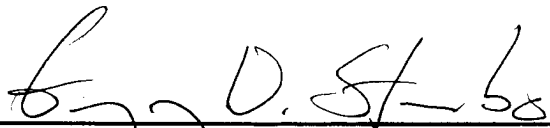
2 (b) The bond shall require that the obligor satisfy any judgment that may be
3 rendered in favor of the person asserting the lien.

4 (3) The bond shall be preserved by the clerk, and upon its execution, the lien provided
5 by KRS 376.210 shall be discharged.

6 (4) The person asserting the lien may make the obligors on the bond parties to any
7 action to enforce his claim, and any judgment received may be against any of the
8 obligors on the bond.



President of Senate



Speaker-House of Representatives

Attest: 

Chief Clerk of Senate

Approved 

Governor

Date 3-16-11